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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,177	03/24/2004	Kazuto Ariga	03560.003-446	4196
5514 7590 05/30/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
SELBY, GEVILL V				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
05/30/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/807,177

**Applicant(s)**

ARIGA, KAZUTO

**Examiner**

Gevell Selby

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 March 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 8-11 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/13/08 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 8-11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuchimukai, US 7,116,363, in view of Fukuda, 2002/0031347.**

In regard to claim 8, Fuchimukai, US 7,116,363, discloses the image pickup apparatus comprising:

an exterior member (see figure 2, element 2) comprising front and rear covers, each extending from a first side to a second side of the apparatus (see figure 2, element 2: the camera body serves as the front cover is on the lens side and the rear cover on the side opposite the lens side)

a chassis (see figure 2, element 4), extending from the first side (lens side) to the second side of the apparatus (rear side);

wherein said chassis comprises first bent portions positioned at opposing ends of said chassis (see figure 2, elements 4, 5, and 6 on the top end of the chassis and elements 19, 18, and 32a on the bottom end),

a plurality of fixing members (see figure 1, element 10 a and b and 15 a and b and figure 2, elements 32 and 32a) and formed on the first bent portions in order to fix said chassis to said exterior member (see column 4, lines 4-32 and column 5, lines 52-56: it is implied the card guides are secured to the body of the camera, in order for the cards and chassis not to move around in the camera and the tripod hole secures the chassis to the bottom of the body), and

a second bent portion formed between the first bent portions (see figure 2, element 13); and

it is implied the digital camera 1 of the Fuchimukai reference comprises an image pickup device for converting an object image into an electrical signal, in order to capture image and convert them to digital images and save them on the memory card.

The Fuchimukai reference does not disclose wherein the first bent portions of the chassis are fixed to the front and rear covers of the exterior member. It is well known to one of ordinary skill in the art to have the first bent portions of the chassis are fixed to the front and rear covers of the exterior member.

Fukuda, US 2002/0031347, discloses an image pickup unit with a front and rear main body members (1 & 2) with coupling chassis (3 & 4), wherein portions of the chassis are fixed to the front and rear covers of the exterior member by screws (14-19) or fixing members (see figure 1 and 3 and para 17-21).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Fuchimukai, US 7,116,363, in view of Fukuda, 2002/0031347, to have the first bent portions of the chassis are fixed to the front and rear covers of the exterior member, in order to properly secure the camera components, give the camera high strength, and high resistance to noise.

In regard to claim 9, Fuchimukai, US 7,116,363, in view of Fukuda, 2002/0031347, discloses the image pickup apparatus according to Claim 8. The Fuchimukai reference further comprising a recording-medium accommodating unit (see figure 2, element 11), wherein said recording-medium accommodating unit is located in a space formed between one of the first bent portions and the second bent portion (see figure 2, element A and column 3, lines 54-60).

In regard to claim 10, Fuchimukai, US 7,116,363, in view of Fukuda, 2002/0031347, discloses the image pickup apparatus according to Claim 9. The Fuchimukai reference discloses wherein said recording-medium accommodating unit is

covered by a covered portion (see figure 1, element 36) which is located between one of the first bent portions and the second bent portion of said chassis and is facing said exterior member (see column 6, lines 8-11).

In regard to claim 11, Fuchimukai, US 7,116,363, in view of Fukuda, 2002/0031347, discloses the image pickup apparatus according to Claim 9. The Fuchimukai reference discloses further comprising a battery accommodating unit (see figure 2, element 14 and column 4, lines 6-9), wherein said recording-medium accommodating unit is fixed to said battery accommodating unit (see figure 2).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gvs

/Lin Ye/  
Supervisory Patent Examiner, Art Unit 2622